

Department of Public Health
and Human Services

FOOD STAMP PROGRAM

Section:

ABLE BODIED ADULTS WITHOUT
DEPENDENTS

Subject:

Disqualification/ Regaining Eligibility

Supersedes: FS 803-1 (10/01/06)

References: 7 CFR 273.7, 7 CFR 273.24, 7 CFR.11, P.L. 104-193 Section 824, FS Act Section 6 (D)(2)

GENERAL RULE-- Individuals who have exhausted all Able Bodied Adults Without Dependent (ABAWD) months are coded '**DS**' on the SEPA screen (code 'IS' under DQN RSN as there is not a code designated specifically for ABAWD). TEAMS will count the prorated share of income and count all resources of the disqualified individual, but will not include that person in the household size when determining eligibility and allotment. Households must report changes of the disqualified individual according to the household's reporting requirements. ABAWDS **who have exhausted all initial ABAWD months** are disqualified from receiving food stamps until they meet one of the following:

1. A new ABAWD span begins (FS 800).
2. Qualifies for extended ABAWD months (see page 2 of this section).
3. Participates in the Food Stamp Employment and Training Program (FSET) (FS 701-2).
4. Meets an individual exemption (FS 801-1).
5. Lives in a geographically exempt county (FS 802-1).
6. Gains a work registration exemption (FS 700).

ABAWD SPAN

Montana has determined the 36 month period to be a fixed period starting 12/01/05 and ending 11/30/08.

Example: An ABAWD is living in a county with a FSET Program and is not geographically exempt from ABAWD time limits. His case has been closed because all ABAWD months have been exhausted. He comes in on December 1, 2005 and reapplies. He is eligible since a new ABAWD span has begun. The individual is also referred to FSET and complies in December.

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The individual leaves the FSET program on January 16, 2006. On January 17, 2006 the FSET office notifies the Office of Public Assistance (OPA) that the ABAWD is no longer attending FSET. December is not counted as an ABAWD month because the individual was complying with FSET during the month of December. January is not counted as an ABAWD month because the ABAWD attended FSET for a partial month. February, March and April are counted as his three ABAWD months and the case is closed the end of April 2006.

►EXTENDED MONTHS

A person can be authorized for up to an additional three **consecutive** months of food stamps after receiving the initial three months **once** in a 36 month period. In order to receive this extension the individual must meet one of the following requirements.

1. Worked 80 or more hours in any 30 consecutive day period after exhausting the initial three months benefits;
2. Participated/complied with the FSET, Workforce Investment Act (WIA), or Trade Adjustment Assistance Act (TAA) program an average of 20 hours a week for more than 80 hours in a 30 day period after exhausting the initial three months benefits;

NOTE: FSET includes information in their closure notice that participation in FSET may have qualified the individual for extended benefits and that the OPA Case Manager will determine that eligibility. When an ABAWD requests extended months due to participation in FSET, the OPA Case Manager must contact the FSET Case Manager for verification. This request must be sent by e-mail for documentation.

3. Any combination of work, in-kind work, and/or participation in a work program for a total of 80 hours in a 30 day period after exhausting the initial three months benefits; or,
4. Worked in exchange for goods or services ("in kind" work) or performed unpaid (volunteer) work for more than 80 hours in a 30 day period after exhausting the initial three months benefits.

NOTE: The additional three consecutive months benefits apply to those individuals who met the above criteria, and are no longer fulfilling those work requirements.

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NOTE: An individual is not eligible for a three month extension if all eligibility requirements are not met. For example, an individual cannot receive extended ABAWD months if he/she is currently disqualified for a probation or parole violation.

NOTE: The individual does not have to be receiving food stamps at the time the employment or participation in the work program ends. The individual could have had a closed case or be coded 'OU' due to separate household status during the employment or participation in the work program.

Example: An individual resides in a county without an FSET Program and is not geographically exempt from ABAWD time limits. The case is closed May 31st due to ABAWD months expiring. The individual reapplies on July 6th and verifies he started working 30 hours a week on June 22nd. The OPA Case Manager certifies the case and prorates benefits from July 6th. July is a non-ABAWD month due to employment

On October 10th, the participant provides an employer statement verifying that his hours have been reduced to 15 hours per week effective October 5th. November is his first of the three consecutive extended ABAWD months because he had worked a total of 80 hours in a 30 day period.

On November 2nd, he verified hours will increase to an average of 30 per week on November 15th. November still counts as an extended ABAWD month due to prospecting to the best of our ability at the time of issuance. He now has a work registration exemption because he is working at least 30 hours. However, he is not eligible for any more extended months since they have to be consecutive.

On January 1st he verifies that his hours will decrease to 15 per week in February. His case closes January 31st due to already exhausting all initial ABAWD months and extended ABAWD months. He cannot receive additional

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extended food stamp ABAWD months as they must be consecutive (i.e., November, December and January).

Example: Tom is an ABAWD who exhausted his three initial ABAWD months. Tom lived in a FSET county and participated in FSET for two months after having used the three original months. The two months Tom participated in FSET exempted him from the time clock. Tom then moved to a county that is not geographically ABAWD exempt and does not have a FSET Program. He is eligible for extended ABAWD months as the FSET Case Manager verified that Tom had participated in FSET an average of 20 hours a week for more than 80 hours in a 30 consecutive day period.

FSET

If an ABAWD applies in one of the five FSET counties listed in FS 701-2, he/she may regain eligibility by participating in the FSET Program. (See 'Expedite' page 4 of this section.) When an ABAWD individual, who has **not used** up his/her three initial ABAWD months, applies in one of the five FSET counties, and is eligible for food stamps, do not withhold food stamps for verification of enrollment in FSET. The ABAWD individual will be referred to FSET and, as long as he/she complies with FSET, the ABAWD time clock will not increment (FS 700).

NOTE: If an ABAWD living in a FSET county chooses not to enroll in FSET and has no other exemptions, he/she will be limited to three months of benefits in a 36 month period.

INDIVIDUAL AND GEOGRAPHIC EXEMPTIONS

If an ABAWD gains an individual exemption according to those listed in section FS 801-1 or moves to a geographically ABAWD exempt area as listed in section FS 802-1, he/she would regain eligibility as long as he/she continues to have the exemption.

NOTE: When an ABAWD chooses not to enroll in FSET and has no other exemption, he/she will be limited to three months of benefits in a 36 month period.

WORK REGIS- TRATION EXEMPT

When an ABAWD gains a work registration exemption (FS 701-1), the ABAWD time limited provision does not apply. The exemption is effective in the month following the month it is reported and verified.

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OPEN CASES

When an individual gains an exemption after exhausting his/her ABAWD months and the remaining members are still open on the Food Stamp Program, he/she will be added according to the household's reporting requirements one of the following dates:

1. If the ABAWD exemption is due to employment -

The month after the individual reports and verifies that he is working 20 hours a week.

2. If it is an ABAWD exemption for attending a work program (FSET, WIA or TAA) -

The month after the individual reports and verifies enrollment.

3. If it is any other ABAWD exemption -

The month after the exemption is reported and verified.

CLOSED CASES

When an ABAWD gains an exemption after his/her initial and extended ABAWD period has expired and the case has been closed, he/she must reapply and verify the exemption.

EXPEDITE

An ABAWD with time clock limits who has exhausted all of his/her months is not eligible for food stamp benefits including expedited services.

NOTE: In any one of the five FSET counties, ABAWD individuals who have exhausted their months must be allowed the opportunity to establish eligibility by participating in FSET. If the applicant agrees to comply with the FSET program at the time of the interview, he/she will be given a referral to FSET. In the event that an applicant cannot schedule an immediate intake appointment with FSET, he/she will be instructed by OPA to begin job search activities an average of 20 hours per week, keeping a log of employer contacts, until the enrollment date. Food stamp benefits **will not** be authorized until the FSET Case Manager verifies the applicant has complied by enrolling in the program, and, when appropriate, submitting job search verification to FSET. Upon verification, if otherwise eligible, food stamps will be authorized following expedited policy effective the date of application.

The date of discovery for entitlement to expedited service will be the date FSET verifies compliance and benefits will

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be paid back to the date of application. Benefits must be authorized the date of notification from FSET.

NOTE: When a one-person ABAWD household, who has exhausted time limits, **is eligible for expedited services**, but states he/she does not intend to comply with FSET, the application must be denied. Use code 'ABC' on EXAD. In a case where there are other eligible household members, the application will be approved, but the ABAWD is ineligible (code 'DS' on SEPA).

SIX MONTH REPORTING

At the time of the interview OPA Case Managers must inform all ABAWDs of the ABAWD time limited provision and that the ABAWD households are only required to report when their household income exceeds the GMI or when their hours of work decrease below 20 hours a week. The OPA Case Manager will determine if the ABAWD has an individual exemption to the time limit. If the ABAWD has no exemptions, an alert will be set to close the case after the ABAWD has exhausted his/her ABAWD months. If the ABAWD household reports any other changes, the OPA Case Manager will evaluate the change to determine if it must be acted on. Refer to Six Month Reporting Requirements, FS 1501-3.

Example: Jane is an ABAWD and is part of a food stamp household living in a county that is not geographically exempt. There is not a child under 18 years of age in the food stamp household. Jane is working 20 hours a week and is exempt from the ABAWD time clock. The household applies on May 3rd. On June 13th Jane reports that her job ended June 10th. This report must be acted on because it appears the food stamp benefits will increase. Her wages are removed from the case for July and Jane's ABAWD months are July, August and September. She will be coded 'DS' on the SEPA screen for October.

Example: Bob applies for benefits May 3rd in a county that is geographically exempt from the ABAWD provision. Bob is an ABAWD, but is working 30 hours a week. On June 13th Bob reports that his job decreased to 15 hours per week beginning June 1st due to a reduction in work force. Income will be adjusted for July because the decrease in wages will result in an increase to benefits and Bob will continue to receive benefits since he is residing in an exempt county.

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Example: Bill applies for benefits on April 5th. He is an ABAWD and resides in a county that does not have a FSET Program and is not geographically exempt. Bill has no ABAWD exemptions. His initial ABAWD months are May, June and July. The OPA Case Manager will set an alert for the first part of July to check for any new exemption. If he has no exemptions, the case must be closed July 31st.

Example: Janet is an ABAWD with no exemptions. She applies for food stamp benefits in Yellowstone County on May 2nd. Janet enrolls in FSET in May. In June FSET notifies the OPA Case Manager that Janet left the FSET Program on June 5th. The OPA Case Manager sets an alert to check for any new exemptions and to close the case the end of September if there are none. Notification from FSET regarding a client's status in the FSET Program is considered verification upon receipt.

NOTE: Other information, e.g., new household member or employment data, received from FSET is not verified upon receipt.

Example: Nancy, who is an ABAWD with no exemptions, applies for food stamp benefits in Silver Bow County. Nancy does not enroll in the FSET program. The OPA Case Manager must set an alert to close the case at the end of the first three full months of benefits if Nancy does not have any other exemptions.

NON-REPORTABLE CHANGES DURING REPORT PERIOD

When a non-reportable change occurs and is not reported that causes an ABAWD to lose an exemption, the ABAWD months are re-calculated retrospectively. However, when re-calculating retrospectively, if the ABAWD exhausted his/her ABAWD months and continued to receive more than three months benefits, an overpayment is not established.

Example: Clint applied for benefits on April 3rd and he is not subject to ABAWD time limits due to a child under the age of 18 residing in the home. In May the child leaves the home, **but this is not reported**. In September the six month report is submitted. Clint's Able Bodied Adult Without Dependents (ABAWD) months are June, July and August. Clint was not

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required to report the change, therefore, an over-payment does not exist for September.

When a non-reportable change occurs and is reported, the change is evaluated to determine if an action must be taken according to six month reporting policy.

Example: Clint applied for benefits on April 3rd and he is not subject to ABAWD time limits due to a child under the age of 18 residing in the home. On May 3rd, the child leaves the home **and this is reported**. Because the loss of a household member will probably result in a decrease in benefits, the OPA Case Manager will not act on the reported change. In September the six month report is submitted and the information reported in May will be taken into account. Clint's ABAWD status will be evaluated to determine if any exemptions apply. If not, the case is closed. An overpayment does not exist for September.

Example: Mary and Clint apply for benefits on April 3rd. Mary is caring for Clint, who is incapacitated. Clint is receiving Worker's Compensation. Mary has a part time job, working 5 hours a week. Neither is subject to the ABAWD time limit. On May 3rd, Clint's income stops and he is placed in a nursing home. Although this change is not required to be reported, Mary reports the change on May 5th. Because removing Clint and his income from the case will result in an increase in benefits, the OPA Case Manager must act on the reported change. Mary's ABAWD months start in June. If Mary meets no exemptions by August, the case must be closed August 31st.

Example: Ann is an ABAWD with no exemptions living in a county that is not geographic exempt. Ann applies on July 1st as a single family household and an alert is set to close her case September 30th. On August 20th, Ann reports that she began a part time job working 20 hours per week on August 1st. It is determined by her conversation with the OPA Case Manager that her wages will not exceed the GMI. The OPA Case Manager requests verification of hours and not wages. Ann verified hours timely.

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Ann is allowed the ABAWD exemption beginning September 1st as this results in an increase, e.g. she would have been closed due to exhausting ABAWD months. Ann's ABAWD months are July and August. At six month review income and ABAWD status are evaluated.

STATUS CHANGE

When a six month report is processed and it is determined that the client's ABAWD status changed, the OPA Case Manager will re-calculate the ABAWD months.

Example: Sue completed her recertification on July 15th verifying she is caring for a disabled individual and has an ABAWD exemption. Beginning August 1st Sue no longer was caring for the disabled individual. In October Sue began working 20 hours per week and this job continued through January. These changes were not reportable changes and Sue did not report them until her six month report. At her six month report review in January, it is determined that July is an ABAWD exempt month. August, September and October are ABAWD months. November, December and January are ABAWD exempt months due to regaining an exemption by working 20 hours a week. ABAWD status is determined forward from the six month review and Sue has exhausted her ABAWD months.

ADDING 'DS' INDIVIDUAL

In a multiple member household when an ABAWD is coded 'DS' and later reports employment, this change is acted upon under the rules of adding a household member (FS 1501-5).

Example: Jim, Mary and Bill apply for benefits on April 3rd. Bill is an ABAWD who already used two ABAWD months prior to application. April is a partial month and not counted as an ABAWD month, May is an ABAWD month and Bill is coded 'DS' for June. At the six month review it is discovered that Bill began working 20 hours per week in June. The income did not put the household over the GMI. Bill is not retrospectively given the ABAWD exemption. He is coded 'IN' and his income is included prospectively at the six month review.

Example: Jim, Mary and Bill apply for benefits on April 3rd. Bill is an ABAWD who already used two ABAWD months prior to application. In June Bill is coded 'DS'. On July 1st

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Bill reports that he is working. It is determined that Bill's income will cause a decrease in benefits. The change is not acted on by the OPA Case Manager and Bill is not given the ABAWD exemption until the six month review.

NOTE: When an ABAWD has been coded 'DS', the OPA Case Manager cannot just verify hours because the change is acted upon under the adding a household member rule.

**BENEFITS
RECEIVED
IN ERROR**

If ABAWD months are counted for an individual and it is later discovered that benefits were received in error, the benefits are considered to have been received until the overpayment is paid back in full.

NOTE: The OPA Case Manager will inform the participant in the the notice that when benefits are repaid the ABAWD months will be restored. An alert will be set.

Example: Pat is an ABAWD who received benefits for May, June and July. These were his first three ABAWD months. It was later discovered Pat was not eligible because he was disqualified for an IPV. May, June and July are still considered as being Pat's first three ABAWD months and he is not eligible for benefits until the overpayment is paid in full or he meets an exemption.

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